



# United States Senate

July 9, 2019

The Honorable William Barr  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

The Honorable Jeffrey A. Rosen  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Attorney General Barr and Deputy Attorney General Rosen:

In light of your professional ties to the firm that previously represented Jeffrey Epstein, the 66-year-old financier who stands accused of the sexual exploitation and trafficking of young girls, I respectfully request that you recuse yourselves from any and all matters related to his case in order to ensure and maintain the integrity of the criminal proceedings.

On Monday, July 8, 2019, federal prosecutors in the Southern District of New York unsealed an indictment charging Jeffrey Epstein with the sex trafficking of minors.<sup>1</sup> Prosecutors assert that between 2002 and 2005, Epstein “sexually exploited and abused dozens of minor girls at his homes in Manhattan, New York, and Palm Beach, Florida, among other locations.”<sup>2</sup> According to the indictment, Epstein lured the underage girls to his mansion and estate, where he is accused of enticing them to engage in naked massage sessions and other sexual acts in exchange for money. Epstein allegedly did not act alone: prosecutors stated that Epstein worked with his employees and others to “ensure that he had a steady supply of minor victims to abuse”<sup>3</sup> and that he asked some of his young victims to recruit other underage girls, “creat[ing] a vast network of underage victims for him to sexually exploit.”<sup>4</sup>

This is not the first time that Epstein faces allegations related to the sexual abuse of minors.<sup>5</sup> In 2005, the parents of a 14-year-old girl approached police to report that Epstein sexually assaulted her in his Palm Beach mansion.<sup>6</sup> Investigators proceeded to identify at least 36 potential victims, some as young as 13.<sup>7</sup> Federal prosecutors, led by then-U.S. attorney for the Southern District of Florida Alex

<sup>1</sup> Indictment, *United States v. Epstein*, No. 19 Crim. 490 (S.D.N.Y. July 2, 2019), ECF No. 2.

<sup>2</sup> *Id.* at 1.

<sup>3</sup> Press Release, Dep’t of Justice, U.S. Attorney’s Office, S.D.N.Y., Jeffrey Epstein Charged In Manhattan Federal Court With Sex Trafficking Of Minors: Alleged Conduct Occurred in both New York and Florida over Multiple Years, Involving Dozens of Victims (July 8, 2019), <https://www.justice.gov/usao-sdny/pr/jeffrey-epstein-charged-manhattan-federal-court-sex-trafficking-minors>.

<sup>4</sup> Indictment, *supra* note 1, at 2.

<sup>5</sup> Julie K. Brown, *How a Future Trump Cabinet Member Gave a Serial Sex Abuser the Deal of a Lifetime*, MIAMI HERALD (Nov. 28, 2018), <https://www.miamiherald.com/news/local/article220097825.html>.

<sup>6</sup> Vivian Wang, *Why the Trump White House Is Caught Up in the Jeffrey Epstein Scandal*, N.Y. TIMES (July 7, 2019), <https://www.nytimes.com/2019/07/07/nyregion/jeffrey-epstein-trump.html>.

<sup>7</sup> Ali Watkins & Vivian Wang, *Jeffrey Epstein Is Accused of Luring Girls to His Manhattan Mansion and Abusing Them*, N.Y. TIMES (July 7, 2019), <https://www.nytimes.com/2019/07/07/nyregion/jeffrey-epstein-sex-trafficking.html>.

Acosta, prepared a 53-page indictment against Epstein. However, the prosecution was scuttled after Acosta, who now serves as the U.S. Secretary of Labor, met with his former colleague Jay Lefkowitz, an attorney at the law firm Kirkland & Ellis.<sup>8</sup> Together, the two men struck a secret deal in which Epstein pleaded guilty to two prostitution charges and served a year in jail, albeit under an agreement that allowed him to leave the facility “six days a week, 12 hours a day” on special privileges.<sup>9</sup> Furthermore, Epstein’s alleged victims were not told about the deal, the terms of which were reportedly dictated by Epstein’s lawyers at Kirkland & Ellis and shielded any of Epstein’s co-conspirators from prosecution.<sup>10</sup>

Effectively denied justice by the very official charged with securing it, Epstein’s accusers later publicly described the assaults they endured, spurring renewed interest in the matter.<sup>11</sup> Members of Congress and the Justice Department’s Office of Professional Responsibility<sup>12</sup> opened inquiries into the handling of the case, and on February 21, 2019, a federal judge held that the secret deal secured by Epstein’s lawyers violated the Crime Victims’ Rights Act.<sup>13</sup>

In our democracy, no one—no matter how powerful or well-connected—is above the law. Yet Epstein’s deal, secured by his lawyers at Kirkland & Ellis, calls into question the integrity of our legal system and undermines the public’s confidence that justice will be served. Now that Epstein faces new charges, the Department must do everything in its power to ensure that his prosecution is fair, just, and insulated from external pressures.

Prior to joining the Trump administration, both Attorney General Barr and Deputy Attorney General Rosen practiced at Kirkland & Ellis, the firm responsible for negotiating Epstein’s 2008 plea deal. At the time he was nominated to lead the Justice Department, Attorney General Barr was Of Counsel at Kirkland & Ellis; a role he also held in 2009. Deputy Attorney General Rosen has a long history at the firm: he worked as a partner in the firm’s Washington, DC office from 1988 to 2003, and again from 2009 to 2017; earlier in his career, he worked as an associate from 1982 to 1988.

In order to avoid even the appearance of impropriety, both Attorney General Barr and Deputy Attorney General Rosen should recuse from overseeing matters related to Epstein’s case. In fact, Attorney General Barr has already suggested that recusal is necessary. During Attorney General Barr’s confirmation hearing, he was asked by Senator Sasse to “mak[e] sure that there is a full and thorough investigation into the way DOJ handled the [2008] Epstein case.”<sup>14</sup> Attorney General Barr replied, “Senator, I have to recuse myself from Kirkland & Ellis matters I am told, and I think Kirkland & Ellis was maybe involved in that case.”<sup>15</sup> If such a recusal is required of the attorney general, under the circumstances it should also be required of his deputy.

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<sup>8</sup> Brown, *supra* note 5.

<sup>9</sup> Watkins & Wang, *supra* note 7.

<sup>10</sup> *Id.*

<sup>11</sup> Brown, *supra* note 5.

<sup>12</sup> Letter from Assistant Attorney General Stephen E. Boyd to Senator Ben Sasse (Feb. 6, 2019),

[https://www.sasse.senate.gov/public/\\_cache/files/1e5e07ee-0138-4441-9e61-b6ec7037c4d5/-untitled-.pdf](https://www.sasse.senate.gov/public/_cache/files/1e5e07ee-0138-4441-9e61-b6ec7037c4d5/-untitled-.pdf).

<sup>13</sup> Patricia Mazzei, *Prosecutors Broke Law in Agreement Not to Prosecute Jeffrey Epstein, Judge Rules*, N.Y. TIMES (Feb. 21, 2019), <https://www.nytimes.com/2019/02/21/us/jeffrey-epstein-judge-prosecution-agreement.html>.

<sup>14</sup> *Nomination of the Honorable William Pelham Barr to be Attorney General of the United States: Hearing Before the Senate Comm. on the Judiciary*, 116th Cong (2019).

<sup>15</sup> *Id.*

Yesterday, reports suggested that Attorney General Barr had recused from the current case,<sup>16</sup> but earlier today a Justice Department official reportedly clarified that the attorney general would recuse only from matters related to Epstein's prior case in Florida, *not* the case now pursued by prosecutors in the Southern District of New York.<sup>17</sup> Although Epstein is not represented by Kirkland & Ellis in his current case, significant questions remain regarding the 2008 plea deal that the firm negotiated with federal prosecutors. In light of your professional ties to Kirkland & Ellis, and the overwhelming public interest in ensuring that his current case proceed free from outside interference, it would be prudent for both Attorney General Barr and Deputy Attorney General Rosen to recuse from matters related to Epstein's case.

If found guilty of these charges, then Epstein—as well as “others known and unknown”<sup>18</sup> who may have assisted or participated in the abuse of young girls—must be held fully accountable for their actions. The young women who bravely came forward to recount their assaults must not again be denied justice. But no matter the outcome of Epstein's case, the American people must have faith that the women and men tasked with prosecuting it will follow the facts wherever they may lead, free from political interference, and without fear or favor.

Thank you for your prompt attention to this matter.

Sincerely,



Kamala D. Harris  
United States Senator

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<sup>16</sup> Jeff Mordock, *AG Barr says he's recused himself from Epstein case: Report*, WASH. TIMES (July 8, 2019), <https://www.washingtontimes.com/news/2019/jul/8/william-barr-ag-says-hes-recused-jeffrey-epstein-c/>.

<sup>17</sup> Manu Raju (@mkraju), Twitter (July 9, 2019, 10:57 AM), <https://twitter.com/mkraju/status/1148607060155801600>.

<sup>18</sup> Indictment, *supra* note 1, at 8.

**From:** [REDACTED]  
**To:** [DOJ Correspondence \(SMO\)](#); [REDACTED]  
**Subject:** RE: Letter from Senator Harris to AG Barr and DAG Rosen  
**Date:** Tuesday, July 09, 2019 5:44:28 PM

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[REDACTED]

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**From:** DOJ Correspondence (SMO) <[REDACTED]>  
**Sent:** Tuesday, July 9, 2019 5:14 PM  
**To:** [REDACTED]  
<[REDACTED]>  
**Subject:** FW: Letter from Senator Harris to AG Barr and DAG Rosen  
**Importance:** High

Good evening

[REDACTED] Thank you.

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**From:** Wunder, Nick (Harris) <[REDACTED]>  
**Sent:** Tuesday, July 09, 2019 4:26 PM  
**To:** DOJ Correspondence (SMO) <[REDACTED]>  
**Subject:** Letter from Senator Harris to AG Barr and DAG Rosen

To Whom It May Concern:

Attached please find a letter from Senator Harris to Attorney General Barr and Deputy Attorney General Rosen.

Please don't hesitate to reach out with any questions or concerns.

Best,

Nick Wunder  
Senior Counsel  
U.S. SENATOR KAMALA D. HARRIS

**From:** DOJ Correspondence (SMO) [REDACTED]  
**Sent:** Thursday, July 11, 2019 10:58:05 AM  
**To:** DOJExecSec (JMD)  
**CC:** [REDACTED]  
**Subject:** FW: Letter from Senator Harris to AG Barr and DAG Rosen

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Pls log & per OLA ([REDACTED]) assign to JMD/Ethics. Thanks.

**From:** Wunder, Nick (Harris) <[REDACTED]>  
**Sent:** Tuesday, July 09, 2019 4:26 PM  
**To:** DOJ Correspondence (SMO) <Ex\_DOJCorrespondence@jmd.usdoj.gov>  
**Subject:** Letter from Senator Harris to AG Barr and DAG Rosen

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Please don't hesitate to reach out with any questions or concerns.

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Nick Wunder  
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U.S. SENATOR KAMALA D. HARRIS

